

Joseph James McGrath)	Case No. 1:06cv916
Petitioner,)	
)	
-vs-)	<u>O R D E R</u>
)	
Gary Croft, et al.,)	
Respondent.)	Judge Christopher A. Boyko
)	
)	

On 09/29/2006, Defendants filed a Motion for Summary Judgment (Dkt. # 10). The motion was referred to Magistrate Judge David S. Perelman pursuant to Local Rule 72.2 (Dkt. # 13). On 01/10/2007, the Magistrate Judge recommended that Defendants unopposed Motion for Summary Judgment be granted (Dkt. # 14).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984). aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

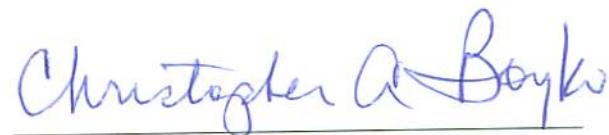
The Court further finds that there are no genuine issues of material fact and Defendants are entitled to judgment as a matter of law.

Therefore, Magistrate Judge Perelman's report and recommendation is **ADOPTED** and Defendant's Motion for Summary Judgment (Dkt. # 10) is **GRANTED**.

Furthermore, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Dated: 03/21/2007



CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

FILED

MAR 21 2007

CLERK OF COURTS
U.S. DISTRICT COURT, N.D.O.
CLEVELAND